

FILED

November 2 2009

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. _____

CITY OF HELENA,

Plaintiff and Appellee,

v.

COLTER EPLER,

Defendant and Appellant

FILED

NOV 2 2009

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

NOTICE OF APPEAL

Notice is hereby given that Colter Epler, the Appellant above-named and who is the Defendant in the cause of action filed in the Lewis and Clark County Justice Court, styled as Case No.: Case No. CR 08-667 and appealed to the District Court for the First Judicial District, styled as Cause No. CDC 2009-198, hereby appeals to the Supreme Court of the State of Montana, from the final Order entered in such action on the 10th day of September, 2009.

THE APPELLANT FURTHER CERTIFIES:

1. That this appeal is not subject to the mediation process required by Mont. R. App. P. 7.
2. That this appeal is not an appeal from an order certified as final under

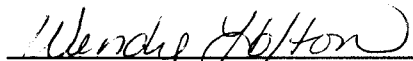
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Mont. R. Civ. P. 54(b).

3. That, if applicable, the notice required by M. R. App. P. 27 has been or will be given, within 11 days of the date hereof, to the Supreme Court and to the Montana Attorney General with respect to a challenge to the constitutionality of any act of the Montana Legislature.

4. The relevant transcript in this case is an electronic recording of the Justice Court trial. It will be filed with this Court pursuant to the provisions of M.R.App.P. 8(9).

DATED this 2nd day of November, 2009.



WENDY HOLTON
Attorney for Defendant/Appellant

CERTIFICATE OF SERVICE

I hereby certify that on November 2, 2009, a true and correct copy of the foregoing Notice of Appeal was served on the following by mail, hand-delivery, Federal Express or facsimile:

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By: Wendy Holton
WENDY HOLTON